

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**GABRIELLE DREXLER** :  
vs. : **NO. 11-004467**  
**TOWNSHIP OF LOWER MERION, et al.** :  
: :  
:

**PLAINTIFF'S COUNSEL'S' MOTION TO WITHDRAW APPEARANCE**  
**and STAY PROCEEDINGS**

Petitioners, Jeffrey R. Lessin, Esquire, Mark T. Richter, Esquire and Jeffrey R. Lessin & Associates, P.C., (hereinafter collectively referred to as Jeffrey R. Lessin & Associates, P.C.) petitions this Honorable Court for leave to withdraw as counsel for Plaintiff, **GABRIELLE DREXLER**, in the above captioned matter, and stay proceedings for sixty (60) days and in support thereof aver the following:

1. This matter arises out of a civil rights action commenced by Plaintiff, **GABRIELLE DREXLER**, against Defendants seeking recovery for damages for pain and suffering as a result of various violations to her civil rights and the tort law of Pennsylvania. A true and correct copy of the complaint is attached hereto as Exhibit "A" ..
2. Petitioner agreed to represent the Plaintiff with the understanding that Plaintiff would fully cooperate in the prosecution of this matter with Petitioners and follow Petitioners' advice about proceeding with the litigation.
3. Plaintiff and Petitioners have disagreed on how to proceed with the litigation and, although Petitioners have sought, more than once, to reconcile this disagreement, it is clear that Plaintiff and Petitioners are at an irreconcilable impasse, making it literally impossible for Petitioners to continue representation of Plaintiff. Petitioners have advised Plaintiff to seek out other counsel.

4. Petitioners has already spent considerable time and great financial expense in this matter. Unless this Petition is granted, Petitioners will incur severe financial and professional hardship.

6. Petitioners anticipate an ongoing and fundamental continuing disagreement on how to proceed with the litigation and our continued representation of Plaintiff.

7. Petitioners have advised Plaintiff of the irreconcilable nature of the conflict on how to proceed.

8. Despite Plaintiff's lack of cooperation with counsel, Petitioners believe, and therefor aver that Plaintiff may not wish the case to be dismissed at this time, but may wish the opportunity to obtain new counsel, with whom she may choose to be cooperative. Therefore, Petitioners request that this matter be stayed for ninety (90) days, to allow Plaintiff time to engage new counsel.

**WHEREFORE**, Petitioners, Jeffrey R. Lessin & Associates, P.C., Mark T. Richter, Esquire and Jeffrey R. Lessin & Associates, P.C. respectfully requests that this Court grant the Petition for Leave to Withdraw as Counsel for Plaintiff.

**JEFFREY R. LESSIN & ASSOCIATES, P.C.**

*Jeffrey R. Lessin, Esquire*

**UNITED STATES DISTRICT COURT  
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:

**ORDER**

**AND NOW**, this        day of       , 2011, upon consideration of the Petition of Plaintiff's Counsel for Leave to Withdraw, and any reply thereto, it is hereby **ORDERED** and **DECREED** that the appearance of Jeffrey R. Lessin, Esquire, Mark T. Richter, Esquire and Jeffrey R. Lessin & Associates, P.C. as counsel for the Plaintiff may be withdrawn upon the filing of a praecipe with the Court by counsel.

Further this matter is stayed for ninety (90) days to allow Plaintiff to engage new counsel.

**BY THE COURT**

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**Honorable Curtis D. Joyner**

**UNITED STATES DISTRICT COURT  
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**RULE TO SHOW CAUSE**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2011, a Rule is **GRANTED** against Plaintiff to show cause why the appearance of Jeffrey R. Lessin, Esquire, Mark T. Richter, Esquire and Jeffrey R. Lessin & Associates, P.C. as counsel for Plaintiff may not be withdrawn upon the filing of a praecipe by counsel with the court.

**RULE RETURNABLE**

\_\_\_\_\_ day of \_\_\_\_\_, 20011 at \_\_\_\_\_ A.M./P.M. o' clock, in courtroom \_\_\_\_\_ of the Eastern District of Pennsylvania, U.S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania 19106.

**BY THE COURT**

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**Honorable Curtis D. Joyner**

**UNITED STATES DISTRICT COURT  
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**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S COUNSEL'S MOTION TO  
WITHDRAW APPEARANCE**

Petitioner, Jeffrey R. Lessin, Esquire, Mark T. Richter, Esquire and Jeffrey R. Lessin & Associates, P.C. submit this Memorandum of Law in support of this Petition requesting this Honorable Court for leave to withdraw as counsel for Plaintiff, **GABRIELLE DREXLER**, in the above captioned matter and in support thereof aver the following:

This is a civil rights action commenced by Plaintiff, **GABRIELLE DREXLER**, against Defendants for damages and injuries sustained as a result of federal civil rights violations and state tort law violations by the Defendants. A true and correct copy of Plaintiff's complaint is attached hereto as Exhibit "A".

Petitioners agreed to represent Plaintiff based upon the understanding that the Plaintiff would fully cooperate in the prosecution of this matter with Petitioners and follow Petitioners' advice about proceeding with the litigation.

Plaintiff and Petitioners have disagreed on how to proceed with the litigation and, although Petitioner has sought to reconcile the disagreement, it is clear that Plaintiff and Petitioner are at an irreconcilable impasse, making it impossible for Petitioner to continue representation of Plaintiff.

Petitioners have advised Plaintiff in writing to seek out other counsel.

Petitioners have already gone to considerable expense in terms of time and money

in this matter. Unless the Petition is granted, Petitioner will incur additional financial and professional hardship.

Petitioner anticipates a continuing and fundamental disagreement on how to proceed with the litigation through to the time of trial. However, despite Plaintiff's lack of cooperation with counsel, Petitioners believe, and therefor aver, that Plaintiff may not wish the case to be dismissed at this time, but may wish the opportunity to obtain new counsel, with whom she may choose to be cooperative. Therefore, Petitioners request that this matter be stayed for ninety (90) days, to allow Plaintiff time to engage new counsel.

Local Rules of the United States District Court for the Eastern District of PA, Rule 5.1(c) requires court approval when an attorney seeks to withdraw from representation without being replaced by new counsel.

In such cases, the attorney seeking the right to withdraw must file the Petition with the court. All parties, including the clients who will be left without counsel, must be served with the Petition. Such has been done in this case.

**WHEREFORE**, Petitioners, Jeffrey R. Lessin & Associates, P.C., Mark T. Richter, Esquire and Jeffrey R. Lessin & Associates, P.C. request that this Honorable Court grant their Petition for Leave to Withdraw as counsel for the Plaintiff.

**JEFFREY R. LESSIN & ASSOCIATES, P.C.**

*Jeffrey R. Lessin, Esquire*

**VERIFICATION**

Jeffrey R. Lessin, Esquire, states that he is the attorney for the within named Plaintiff and that the facts set forth in the foregoing Petition for Leave to Withdraw as Counsel are true and correct to the best of his knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

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*Jeffrey R. Lessin, Esquire*